

REMARKS/ARGUMENTS

Applicants thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office Action.

Claim Rejections – 35 USC § 103

Claims 7-14 and 31-38 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chu (2004/0061715) in view of Bantz (2003/0163809).

Amended claim 7 positively recites, “selecting, from the storage device, *a baseline image which the disk image is able to be layered upon as an incremental image* if the disk image does not exist.” Chu is cited in the Office Action for teaching the concept of dividing a bill of materials in to essential and non-essential portions. Chu does not address the generation of disk images. Unquestionably, there is no suggestion in Chu to select a baseline image which the disk image is able to be layered upon. Bantz is cited in the Office Action for teaching the feature of creating a key and using the key to validate the completeness of all parts, and the feature of including updates into the disk image. Bantz does not teach or suggest selecting a baseline image that the disk image can be created as an incremental image, thereby the incremental is able be layered on top of the baseline image to achieve the desired final configuration. The noted deficiency in Chu’s teaching is not cured by Bantz.

Accordingly, the cited combination of references fails to teach “selecting, from the storage device, *a baseline image which the disk image is able to be layered upon as an incremental image* if the disk image does not exist.”

In view of the differences between the subject matter of claim 7 and the cited combination of references, applicant respectfully submits that claim 7 is allowable over said combination.

Claims 8-14 depend from claim 7. The arguments provided above with respect to claim 7 also apply to claim 31. Claims 32-38 depend from claim 31.

Claims 8 and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Chu (2004/0061715), Bantz (2003/0163809) further in view of Nguyen (6,202,070). Claims 8 and 32 depend from claims 7 and 31, respectively. Applicant submits that the above-discussed deficiencies of the Chu/Bantz combination are not corrected by the addition of Nguyen, and that the arguments provided above also apply to the combination of Chu, Bantz and Nguyen. Accordingly, applicant submits that claims 8 and 32 are allowable over the cited combination of references.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Respectfully submitted,

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